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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,384	03/30/2001	Rono James Mathieson	8371-132	7397

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EXAMINER

BRUCKART, BENJAMIN R

ART UNIT PAPER NUMBER

2155

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,384

Applicant(s)

MATHIESON, RONO JAMES

Examiner

Benjamin R Bruckart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/8/03 and 4/1/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Detailed Action

Claims 1-20 are pending in this Office Action.

Information Disclosure Statement

The information disclosure statements filed on 9/8/03 and 4/1/02 have been considered.

Claim Objections

Claim 20 is objected to because of the following informalities: Page 15, line 18, "... the network server queue to cancel of pause ..." Should be changed to queue to cancel or pause. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 11-20 are rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 5,974,234 by Levine et al.

Regarding claim 1, a method for managing multiple queues (Levine: col. 10, lines 62-64; col. 10, line 52), comprising:

monitoring status for jobs in a first queue on a first system (Levine: col. 10, lines 45-54; each device; devices are Figure 5, tag 200; col. 9, lines 48- col. 10, line 4);

monitoring status for jobs in a second queue on a second system different than the first system (Levine: col. 10, lines 45-54; each device; devices are Figure 5, tag 200); and

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managing the jobs in the first queue and the second queue from a same queue manager (Levine: col. 8, lines 44- col. 9, line 2; http / proxy server; Figure 5).

Regarding claim 2, a method according to claim 1 wherein the first system is a network server (Levine: col. 10, lines 22-55; col. 15, lines 63-67) and the second system is a peripheral device (Levine: col. 10, lines 45-54; each device; devices are Figure 5, tag 200).

Regarding claim 3, a method according to claim 1 including displaying the jobs from the first queue and the second queue on a same user interface (Levine: col. 10, lines 5-21).

Regarding claim 4, a method according to claim 3 including displaying on the user interface which of the first queue or the second queue is storing the different jobs (Levine: col. 4, in particular lines 37-57; col. 10, lines 5-21).

Regarding claim 5, a method according to claim 1 including:

- receiving a select request to cancel one of the jobs (Levine: col. 16, lines 6-7, lines 23-24);

- identifying the first or second queue currently storing the selected job (Levine: col. 16, line 6, 10-11; device name identifies the queue);

- sending a cancel request to the identified queue (Levine: col. 16, lines 22-24);

- removing an identifier for the selected job from the queue manager when a confirmation is received (Levine: col. 16, lines 25-26);

- sending a cancel request to the other one of the first or second queue when a cancel failure is received from the identified queue (Levine: col. 15, lines 63-67; col. 17, lines 20-26); and

- removing an identifier for the job from the queue manager when a confirmation is received from the other one of the first and second queue (Levine: col. 16, lines 25-26; col. 17, lines 18-28).

Regarding claim 6, a method according to claim 1 including:

- receiving a select request to cancel one of the jobs (Levine: col. 16, lines 6-7, lines 23-24);
- sending a cancel request to both the first and second queue (Levine: col. 15, lines 63-67); and
- removing an identifier for the selected job from the queue manager when a cancel confirmation is received (Levine: col. 16, lines 25-26; col. 17, lines 18-28).

Regarding claim 7, a method according to claim 1 including:

- receiving a selection request to change priority for one of the jobs (Levine: col. 16, lines 4-5, lines 23-24);
- identifying the first or second queue storing the selected job (Levine: col. 16, line 6, 10-11; device name identifies the queue);
- sending a request to change priority of the selected job to the identified queue (Levine: col. 16, lines 4-5, lines 23-24); and
- changing the priority identified for the job (Levine: col. 16, lines 4-5) when a priority confirmation is received from the identified queue (Levine: col. 16, lines 25-26, col. 17, lines 20-28).

Regarding claim 11, a computer for providing queue management (Levine: col. 10, lines 62-64; col. 10, line 52), comprising

- a processor adapted to monitor status of a server queue in a network server and monitor status of a device queue in a peripheral device (Levine: col. 7, lines 25-31; col. 10, lines 45-54; each device; devices are Figure 5, tag 200; col. 9, lines 48- col. 10, line 4); and
- a user interface adapted to display and manipulate the status of jobs in the first queue and second queue at the same time (Levine: col. 8, lines 44- col. 9, line 2; http / proxy server; Figure 5; col. 10, lines 5-21).

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Regarding claim 12, a computer according to claim 11 wherein the processor receives a request from the user interface to cancel a job and sends a cancel request to the server queue or device queue storing the job (Levine: col. 16, lines 6-7, lines 23-24).

Regarding claim 13, a computer according to claim 12 wherein the processor removes the job from a list of jobs displayed on the user interface when a confirmation is received from the server or device queue that the job is cancelled (Levine: col. 16, lines 25-26; col. 17, lines 18-28).

Regarding claim 14, a computer according to claim 12 wherein the processor automatically sends a cancel request to the device queue when a cancel request to the server queue fails (Levine: col. 15, lines 62-67; col. 16, lines 25-26; col. 17, lines 18-28).

Regarding claim 15, a computer according to claim 11 wherein the processor receives a request from the user interface to change priority for a job and then controls scheduling of other jobs in the server queue and the device queue according to the priority change request (Levine: col. 16, lines 4-5, lines 23-24).

Regarding claim 16, a computer according to claim 11 wherein the user interface displays multiple jobs waiting to be output, the output status of the jobs, a priority for outputting the jobs, and the server queue or device queue where the individual jobs are currently residing (Levine: col. 16, lines 34-60).

Regarding claim 17, a computer according to claim 11 wherein the jobs can be any one of a fax job, print job, scan job, or copy job (Levine: col. 6, lines 48-56).

Regarding claim 18, a computer according to claim 11 wherein the peripheral device can be any one or combination of the following: a copier; a scanner; a printer; or a facsimile machine (Levine: col. 6, lines 48-63).

Regarding claim 19, a system for managing jobs in queues (Levine: col. 10, lines 62-64; col. 10, line 52), comprising:

a network server having a queue for storing jobs (Levine: col. 10, lines 22-55; col. 15, lines 63-67; col. 9, lines 48- col. 10, line 4);

a peripheral device having a queue for storing jobs and outputting the jobs (Levine: col. 10, lines 45-54; each device; devices are Figure 5, tag 200); and

a queue manager coupled to both the network server and the peripheral device for displaying and managing the jobs both on the network server and the device through a same user interface (Levine: col. 8, lines 44- col. 9, line 2; http / proxy server; Figure 5; col. 10, lines 5-21).

Regarding claim 20, a system according to claim 19 wherein the queue manager sends a request to the network server queue to cancel or pause a job and then automatically sends a cancel or pause request to the device queue if the network server queue has already moved the job to the device queue (Levine: col. 16, lines 2-24).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as anticipated by U.S. Patent No. 5,974,234 by Levine et al in view of U.S. Patent No. 5,559,606 by Webster et al.

Regarding claim 10,

The Levine reference teaches a method according to claim 1 including:
placing a hold on the identified job (Levine: col. 16, lines 2-3; lines 20-21);

identifying all jobs having higher priority than the selected job (Levine: col. 16, lines 34-60); and

removing the hold on the selected job after all the identified higher priority jobs have been output (Levine: col. 16, lines 8-9, lines 22).

The Levine reference does not explicitly state demoting a job but teaches the opposite idea of promoting a job in the queue and also the activities similar to demote a selected job on one of the first or second queue (i.e. holding and releasing a job) (Levine: col. 16, lines 2-24). If you promote a job you are inherently demoting another job.

The Webster reference teaches receiving a request to demote a job (Webster: col. 8, lines 66- col. 9, line 5).

The Webster reference further teaches demoting and promoting give a user additional flexibility in the queue (Webster: col. 8, lines 66- col. 9, line 2).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to method of managing multiple queues as taught by Levine while receiving requests to demote jobs as taught by Webster in order to give the user more flexibility with jobs in queue (Webster: col. 8, lines 66- col. 9, line 5).

Claims 8-9 are rejected under 35 U.S.C. 103(a) as anticipated by U.S. Patent No. 5,974,234 by Levine et al in view of U.S. Patent No. 6,490,611 by Shen et al.

Regarding claim 8,

The Levine reference teaches a method according to claim 7 including:
receiving requests to move priority (Levine: col. 16, lines 4-5; lines 23-24);
holding all jobs on a queue (Levine: col. 16, lines 2-3); and
releasing the jobs on hold (Levine: col. 16, lines 8-9, lines 22) when a confirmation is received from the second queue that the selected job has been promoted (Levine: col. 16, lines 8-9, lines 22, 25-26, col. 17, lines 20-28).

The Levine reference does not explicitly state promoting a job over jobs in a second queue.

The Shen reference teaches receiving a request to move priority for the selected job on the first queue above priorities for other jobs stored on the second queue (Shen: col. 6, lines 55-58; col. 7, lines 34-38);

holding all jobs on the second queue (Shen: col. 7, lines 1-5) having a priority below the priority requested for the selected job (Shen: col. 2, lines 49-53); and

releasing the jobs on hold when a confirmation is received from the second queue that the selected job has been promoted on the second queue (Shen: col. 7, lines 1-5; flag F is associated with the queue).

The Shen reference further teaches the invention overcomes problems of end-to-end reachability while providing ability to the user to schedule tasks in real time and non-real-time tasks (Shen: col. 3, lines 41-51).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to method of managing multiple queues as taught by Levine while receiving requests to move a job on one queue ahead of other jobs on another queue as taught by Shen in order to overcome problems of end-to-end reachability while providing ability to the user to schedule tasks in real time and non-real-time tasks (Shen: col. 3, lines 41-51).

Claim 9 is rejected under the same rationale given above. In the rejections set forth, the examiner will address the additional limitations and point to the relevant teachings of Levine et al and Shen et al.

Regarding claim 9, a method according to claim 7 including:

receiving a request to move the selected job on the first queue to a priority (Levine: col. 16, lines 4-5; lines 23-24) above other jobs stored on the second queue (Shen: col. 6, lines 55-58; col. 7, lines 34-38);

creating a slot in the second queue for the selected job (Shen: col. 7, lines 34-38; pointer to the queue entry); and

moving the selected job to the slot in the second queue (Shen: col. 7, lines 34-38; pointer to the queue entry).

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Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U. S. Patent No. 6,272,606 issued to Dorricott et al teaches different queues broken up by priority.

U. S. Patent No. 6,501,559 issued to Salgado et al teaches a job manager for prioritizing jobs.

U. S. Patent No. 5,325,527 by Cwikoski et al teaches a client server communication system acting on jobs as nodes.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number is (703) 305-0324. The examiner can normally be reached on 8:00-5:30 PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0324.

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Benjamin R Bruckart

Examiner

Art Unit 2155

brb

July 20, 2004

brb



HOSAIN ALAM
SUPERVISORY PATENT EXAMINER